

**PATENT APPLICATION**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Claude MABILAT et al.

Group Art Unit: 1634

Application No.: 10/500,646

Examiner: C. MYERS

Filed: October 12, 2004

Docket No.: 120162

For: METHOD FOR THE DETECTION AND/OR IDENTIFICATION OF THE ORIGINAL ANIMAL SPECIES IN ANIMAL MATTER CONTAINED IN A SAMPLE

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the February 13, 2007 Restriction Requirement, Applicants provide the following response.

Applicants thank the Examiner for the courtesies extended to Applicants' representative during the May 10 telephone interview regarding the Restriction Requirement.

The Office Action requires Restriction between Groups I-IV. In response, Applicants provisionally elect Group I, claims 1, 2, 4 and 9, drawn to methods for determining an original animal species using a reagent specific for a nucleic acid selected from SEQ ID NOs: 1-232 and 242-261. In response to the further Restriction Requirement, and as agreed to by the Examiner in the May 10 telephone interview, Applicants elect the entire combination of sequences consisting of SEQ ID NOs: 1-232 and 242-261. This election is made with traverse.

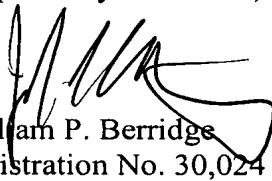
The Office Action asserts that unity of invention does not exist, because Groups I and II "lack the same or corresponding special technical features." Applicants respectfully

disagree. The common special technical feature is "the nucleic acids selected from the group consisting of SEQ ID NO: 1-232 and 242-261." See Example 3, §10.23 of the PCT International Search and Preliminary Examination Guidelines.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

  
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WPB:JSA:JXT

Date: June 13, 2007

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